

REMARKS

Claims 1-23 are pending in the application. Claims 1, 9 and 22 have been amended. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1, 2, 5, 6, 9, 10, 12, 13, 16-19 and 21-23 under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 7,062,782 to Stone et al., hereafter Stone.

This rejection is respectfully traversed. Stone lacks the following step recited in amended independent method claim 1:

"if r is n's next hop for traffic addressed to v, determining an amount of traffic that n is forwarding to r that is addressed to v".

Independent method claim 1 has been amended to provide a relational basis to the above quoted step as follows:

"based on the determined amounts of traffic of said neighbors,
determining the identity of the neighbor n of r that is the principal source of packets flowing to r that are addressed to v;
continuing one node further upstream from the determined neighbor n of r that is the principal source of packets flowing to r that are addressed to v".

Independent apparatus claim 9 has been similarly amended.

These amendments clarify that the determined amounts of traffic of the neighbors n are a basis for the determination made by the step that determines "the identity of the neighbor n or r that is the principal source of packets flowing to

The Examiner contends that Stone discloses the steps of determining an amount of traffic that each neighbor n is forwarding to r that is addressed to v, citing column 7, lines 16-45. However, this passage merely discusses the scaling of Stone's overlay network to accommodate larger numbers of edge routers. Stone's scaling activity has nothing to do with a determination "an amount of traffic that n is forwarding to r that is addressed to v" as recited in amended independent claims 1 and 9.

Stone also lacks the above quoted amended step of determining the identity of a neighbor n or r that is the principal source of packets flowing to r that are addressed to v. The Examiner contends that Stone discloses this step, citing column 10, lines 23-44. This passage merely describes a computer system 801 that can perform Stone's trace back activities, but does not describe the above quoted amended step of independent claims 1 and 9.

Independent method claim 22 has been amended similarly as independent method claim 1 to recite:

"determining a count of packets that router n is sending to router r that are addressed to v or to a network on which v resides;
based on the determined counts of packets of said neighbors n,
determining the identity of the neighbor n of r that is the principal source of packets flowing to r that are addressed to v".

Again the Examiner cites the above noted columns 7 and 10 passages, which as noted above, do not disclose the feature of determining the amount of traffic or the amended step of determining the neighbor n or r that is the principal source of packets flowing to r that are addressed to v. Therefore, Stone also lacks the above quoted portions of amended independent method claim 22.

With respect to independent method claim 16, the rejection set forth at pages 5 and 6 of the Office Action does not match the language of independent claim 16. Therefore, it is not possible to make a response.

However, it is noted that Stone lacks the following step of independent claim 16:

"querying individual ones of packet routers in order to determine a packet router that is a largest source of packets addressed to v via r, or to a network to which v is connected, and continuing to query packet routers up through a hierarchy of interconnected packet routers until an identity of a source of the undesirable packets is discovered or until further backtracking is not possible".

Stone does not disclose or teach "order to determine a packet router that is a largest source of packets addressed to v via r".

Moreover, Applicant's method and system achieves traceback without the expense of an extra overlay network and extra tracing routers that Stone uses.

For the reason set forth above, it is submitted that the rejection of claims 1, 2, 5, 6, 9, 10, 12, 13, 16-19 and 21-23 under 35 U.S.C. 102(e) as anticipated by Stone is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 3, 4 and 11 under 35 U.S.C 103(a) as unpatentable over Stone as applied to claims 1 and 9, and further in view of U.S. Patent No. 6,535,507 to Li et al., hereafter Li.

This rejection is obviated by the amendment for the reason that Stone lacks steps/elements of amended independent claims 1 and 9, from which claims

3, 4 and 11 depend. Li, which was cited for a different reason, does not disclose this deficiency of Stone.

For the reasons set forth above, it is submitted that the rejection of claims 3, 4 and 11 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 7 and 14 under 35 U.S.C 103(a) as unpatentable over Stone in as applied to claims 1 and 9, and further view of U.S. Patent No. 6,636,509 to Hughes, hereafter Hughes.

This rejection is obviated by the amendment for the reason that Stone lacks steps/elements of amended independent claims 1 and 9, from which claims 7 and 14 depend. Hughes, which was cited for a different reason, does not disclose this deficiency of Stone.

For the reasons set forth above, it is submitted that the rejection of claims 7 and 14 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 8 and 15 under 35 U.S.C 103(a) as unpatentable over Stone in as applied to claims 1 and 9, and further view of U.S. Patent No. 6,298,041 to Packer, hereafter Packer.

This rejection is obviated by the amendment for the reason that Stone lacks steps/elements of amended independent claims 1 and 9, from which claims 8 and 15 depend. Packer, which was cited for a different reason, does not disclose this deficiency of Stone.

For the reasons set forth above, it is submitted that the rejection of claims 8 and 15 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

The Office Action rejects claim 20 under 35 U.S.C 103(a) as unpatentable over Stone in as applied to claim 16, and further view of U.S. Patent No. 6,456,597 to Bare, hereafter Bare.

This rejection is obviated by the amendment for the reason that Stone lacks steps of independent claim 16, from which claim 20 depends. Bare, which was cited for a different reason, does not disclose this deficiency of Stone.

For the reasons set forth above, it is submitted that the rejection of claim 20 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) be withdrawn, that claims 1-23 be allowed and that this application be passed to issue.

Respectfully Submitted,

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